MR. SCHAUBLE: Yes, Your Honor. I object to the 1 2 entirety of Exhibit 2 on the basis of relevance and compe-3 Your Honor stated in the Miami proceeding this is not a popularity contest. These general and subjective statements 4 5 are not relevant. This exhibit gives no idea who Marie Bell is. 6 7 There's no showing that she's a community leader. There's no objective information in this exhibit, just subjective opin-8 9 She thinks Trinity promotes good and wholesome program-10 ming as opposed to other stations. As Your Honor pointed out 11 in the Miami proceeding, the Commission is not concerned with the wholesomeness and decency of programming unless there is a 12 13 Rule violation. Wholesome or decent is not meritorious. There's no listing as to what programs Ms. Bell watched, so we 14 15 don't even know what she's -- what program she's talking about 16 I therefore object to the entire exhibit on the basis 17 of relevance and competence. 18 JUDGE CHACHKIN: Apparently, as a -- what I gather 19 from this Verified Statement, the station has solicited the 20 views of certain viewers. That's correct, Your Honor. 21 MR. DUNNE: This 22 Verified Statement basically -- everything that you need to 23 know is within the four corners of this Verified Statement. 24 JUDGE CHACHKIN: Well, I -- some things I don't 25 know, namely how this particular individual was chosen to give

1 her views as opposed to other people in the community. 2 don't know that. But needless to say, obviously she is not put forth as a community leader. She's put forth as a, a 3 4 viewer who gives a subjective opinion as to what she thinks of 5 certain programming, which she describes in very general 6 terms. What is the Bureau's view about this? 7 MR. ZAUNER: Your Honor, the Bureau agrees with the 8 position taken by Mr. Schauble. 9 Your Honor, and again I would note with MR. DUNNE: 10 respect to this particular exhibit the children -- again, 11 going back to children's programming, the licensee has got a 12 specific obligation concerning children's programming, and 13 this particular viewer notes that her children, that her 14 children watch the programming and that she believes it's 15 responsive to their needs as a -- as an alternative to secular 16 programming. 17 JUDGE CHACHKIN: Well, the fact that she may enjoy 18 this program is, is -- that's just her subjective view. And 19 insofar as the Commission is going to make any evaluation as 20 program, it relies on objective criteria, namely what the 21 program is, how often it's presented, and a description of the 22 program as provided by station employees. That's what the 23 Commission looks like, and to the extent to which programming 24 meets community needs. We're not going to get into a popular-25 ity contest that a particular individual thinks that all

1	secular programming is trash. That's her personal opinion.
2	There is no factual basis presented here as why she feels that
3	way. She's certainly not an expert in the field of program-
4	ming and she's not a community leader.
5	MR. DUNNE: Your Honor, I would make this argument
6	here, that a, a mother of a child has got is a competent
7	witness about (a) what the child watches and (b) whether the,
8	the, the programming that the child watches meets the child's
9	social emotional intellectual cognitive needs.
10	JUDGE CHACHKIN: Well, that's your opinion. It's
11	still her subjective viewpoint and I'm not going to receive it
12	as probative of the station's programming, whether it meets
13	the needs and interests of the community. So, Exhibit 2 is
14	not received.
15	(Whereupon, the document marked for
16	identification as Trinity Exhibit
17	No. 2 was rejected.)
18	JUDGE CHACHKIN: Let's move on to 3. Three is a
19	three gives us one sentence. And this is put forth as objec-
20	tive criteria of the station's program, this one sentence?
21	And this is supposed to be relevant evidence as to the sta-
22	tion's programming when she says, "It helps me to cope with
23	the everyday problems of being a single parent."? And what,
24	what conclusions is one supposed to draw from that?
25	MR. DUNNE: That an individual viewer, Your Honor,

1	found that the station's programming met at least her needs.
2	JUDGE CHACHKIN: And is, is there some factual
3	and, and some some evidence that is evidence or her
4	opinion?
5	MR. DUNNE: That's her opinion, Your Honor.
6	JUDGE CHACHKIN: Any factual basis underlying her
7	opinion that's set forth here?
8	MR. DUNNE: That she said she's watched the station
9	on a regular basis
10	JUDGE CHACHKIN: Oh.
11	MR. DUNNE: for so many hours a day.
12	JUDGE CHACHKIN: At least one hour per day she's
13	watched the station. I mean, that this is well, you can
14	put forth what you want, sir, but I think to seriously put
15	forth a one, one-paragraph one-sentence statement as consti-
16	tuting something to rely on in determining community
17	whether the station is meeting community needs I think is, is
18	rather ludicrous, frankly. I will not receive Trinity
19	Exhibit 3.
20	(Whereupon, the document marked for
21	identification as Trinity Exhibit
22	No. 3 was rejected.)
23	MR. DUNNE: Okay. Your Honor, to save us some time
24	and, and my ego some bashing, could we, could we make a simi-
25	lar statement with respect to the other verified statements

1	that we, we've offered?
2	JUDGE CHACHKIN: Essentially, which are
3	MR. DUNNE: They all, they all are subjective
4	reactions of viewers. Most of them mention children's pro-
5	gramming and their own response to the, the station. If you
6	don't believe that that is relevant in these instances, I'm
7	sure the same arguments will be successful
8	JUDGE CHACHKIN: All right.
9	MR. DUNNE: in those.
10	MR. SCHAUBLE: Your and, Your Honor, just for the
11	I would, I would object to each of these Verified
12	Statements on the same, on the same basis.
13	JUDGE CHACHKIN: All right. Then 4 is another
14	Verified Statement and it will be rejected.
15	(Whereupon, the document marked for
16	identification as Trinity Exhibit
17	No. 4 was rejected.)
18	MR. DUNNE: Well, the Verified Statements, Your
19	Honor, are 4
20	JUDGE CHACHKIN: Yes.
21	MR. DUNNE: 7
22	JUDGE CHACHKIN: Four, seven.
23	MR. DUNNE: 11, 12
24	JUDGE CHACHKIN: Well, let me get to that. Four,
25	seven, eleven

1	MD DIINNE 12 15 17 10 21 26 and 20
_	MR. DUNNE: 12, 15, 17, 18, 21, 26, and 30.
2	JUDGE CHACHKIN: All right. Trinity Exhibits 4, 7,
3	11, 12, 15, 17, 18, 21, 26, and 30, which consist of Verified
4	Statements of viewers, will be rejected for the reasons I've
5	previously given.
6	(Whereupon, the documents marked for
7	identification as Trinity Exhibit
8	Nos. 4, 7, 11, 12, 15, 17, 18, 21,
9	26, and 30 were rejected.)
10	JUDGE CHACHKIN: All right. Let's move on to 5 now.
11	MR. SCHAUBLE: Your Honor, I have a series of
12	objections to this exhibit. I have one general objection and
13	a series of, of specific objections. My general objection is
14	that there is no showing here that Ms. Bray during the renewal
15	term was a community leader and that therefore anything she
16	might have to say about the station's programming is not
17	relevant. All, all it says about her during the license term
18	is that until July 1991 her husband was pastor of a, of a
19	church in Decatur, Georgia. Yeah, in and Your Honor testi-
20	fied in the in several times in the Miami case
21	JUDGE CHACHKIN: I hope I didn't testify.
22	MR. SCHAUBLE: what's relevant is what?
23	JUDGE CHACHKIN: I hope I didn't testify.
24	MR. SCHAUBLE: I'm, I'm sorry, Your Honor. That the
25	Judge ruled several times in the Miami proceeding what's

1 | relevant is statements from community leaders, not people off
2 | the street.

MR. ZAUNER: Your Honor, there seems to me there's maybe another objection to this. Mr. Schauble has talked about the fact that they have not demonstrated that Ruth Bray is a community leader, but looking at the community that she resides in it doesn't even appear that she resides in the community of license, Monroe, Georgia. According to this declaration, she resides in Stone Mountain, Georgia.

MR. DUNNE: Your Honor, I think that in Court Your Honor can take judicial notice of the fact that Stone Mountain is in the service area of the station, as is Atlanta and as is many other communities. And I've never understood that the -- a station's renewal showing is limited strictly to the community of license. My understanding is that a station's renewal showing is essentially premised on service to the "service area."

JUDGE CHACHKIN: Well, apparently she lives within the service area, so apparently she picks up -- she can receive the station.

MR. DUNNE: Well, Your Honor, with respect again to the respect -- to whether people other than community leaders can testify as to a station's -- what a station does and its impact on the community, again, Commission cases, to my knowledge, have never limited testimony to strictly community

1	leaders, number one. Number two, this woman is the wife of a
2	pastor of a large church, generally a pastor wife's pastor
3	in a large church is a community leader, at least to that
4	particular part of the community. And, thirdly, she testified
5	that she's involved in an outreach ministry to members of our
6	community and congregation that's fairly large and extensive,
7	over 100 people, she testifies to, that she visits and attends
8	to their needs. That strikes me as someone that can, can
9	testify, at least on behalf of certain of portions of the
10	community that make her a community leader for whatever crite-
11	ria that
12	JUDGE CHACHKIN: Again, what she's doing here, if
13	she would testify about her experience with the station, the
14	fact that the station has rendered her some services of some
15	kinds which she had which she's grateful for of some
16	kind
17	MR. DUNNE: No, you that's not the what her
18	testimony is.
19	JUDGE CHACHKIN: Well, what's she testifying here is
20	about the programming of the station, how it affected other
21	people.
22	MR. DUNNE: That's correct, Your Honor.
23	JUDGE CHACHKIN: And I would suggest
24	MR. DUNNE: The people that's in the
25	JUDGE CHACHKIN: to you that the way to put in

1	such evidence is what you're doing, with the station employees
2	telling about the station's programming and what it's intended
3	to do. That's my difficulty with this. If she testified that
4	on behalf of some organization she appeared on the station and
5	the station rendered some service of some kind, offered to
6	provide programming or a spot announcement of some kind, I
7	would have no problem with it. But she is now doing what your
8	Exhibit 1 tended to do, that namely subjectively tried to
9	describe the programming, tried to show that this program has
10	some qualitative particular qualitative values. And what
11	I'm saying is the Commission doesn't get into those things.
12	So, whether she's a community leader or not, what she, what
13	she's attempting to do, it seems to me, is not relevant to the
14	issue of whether or not you, you award renewal expectancy.
15	MR. DUNNE: Well, Your Honor
16	JUDGE CHACHKIN: It's mainly predicated on providing
17	information as to what ascertained needs there are and what
18	the station is doing to meet those ascertained needs. And I
19	don't think this information goes to that.
20	MR. DUNNE: Your Honor, I
21	JUDGE CHACHKIN: I'm yes, go ahead.
22	MR. DUNNE: I would point out two things. One is
23	this it's stipulated and we cannot deny the fact that we
24	that Channel 63 did not broadcast any local programming during
25	the one-year license term that was involved. We don't have

1 any community leaders that are going to be -- say we've been 2 on the station, because we didn't have any local programming. We can, however, testify to people that have watched the 3 4 program and that can respond to say: I think these programs 5 were responsive to the community needs. That -- for example, 6 the last paragraph, it talks about the needs of our congrega-7 tion and the community. They have very specific -- this 8 particular witness has very specific knowledge of the, the needs of the community that she ministers to as a member of a 9 10 large church ministering to a number of people and she has 11 very specific knowledge of: I saw programs that are 12 responsive to these needs. I think she's competent and 13 qualified to testify to that, Your Honor. 14 MR. SCHAUBLE: Your Honor, with respect to the 15 competency, I would point out in paragraph eight where she, 16 where she talks about most of the programs, she can't now 17 remember any specific program. So, I think there is -- I mean, even assuming her opinion is relevant, which I think 18 19 Your Honor has ruled it isn't, we also have a competency 20 problem here too. 21 JUDGE CHACHKIN: What you're telling me, that none 22 of the programs presented by the station during the one year 23 were local -- locally originated programs. They were all --MR. DUNNE: Well, there was none -- excuse me. 24 25 There was none produced by Channel 63. There were locally

1	produced programs that are identified and, and in other
2	exhibits.
3	JUDGE CHACHKIN: Well, who produced these programs?
4	MR. DUNNE: Local program producers.
5	JUDGE CHACHKIN: No, who produced these programs,
6	"Praise the Lord," and "Doctor and the Word," "Calling Dr.
7	Whitaker"? Where did they come from?
8	MR. DUNNE: They came from it's essentially
9	network programming produced in places other than the sta-
10	tion's service area, some instances California, some instances
11	Dallas, some instances New York, some instances Miami, but
12	they were not produced within the station's service area.
13	JUDGE CHACHKIN: And they were not directed to this
14	particular community or this particular service area?
15	MR. DUNNE: No, that's not
16	JUDGE CHACHKIN: You say they were network program-
17	ming.
18	MR. DUNNE: They were network programming. That's
19	correct. There is evidence, however, that we'll get in later
20	that there were instances that there were the the, the
21	needs of that particular service area, the Atlanta market
22	service area, were included in how the network programming was
23	designed and broadcast.
24	JUDGE CHACHKIN: Well, again, I'm not going to
25	receive the exhibits. I don't think it's relevant to the

1 issues in this case. As I say, extent to which a station 2 carried programs and which it contends are -- meet the needs 3 and interests of the community and the service area, I assume 4 that information is set forth in the, in the station's -- in the presentation by the station employees. 5 I will not receive 6 this exhibit. Five is not received. (Whereupon, the document marked for 7 identification as Trinity Exhibit 8 9 No. 5 was rejected.) 10 JUDGE CHACHKIN: And in 6 the same thing, a 11 presentation by --12 MR. DUNNE: Largely, Your Honor. Let me review this -- I think, Your Honor, the one thing about the exhibit -- or 13 14 Declaration of Philip Bray, or Exhibit 6, is there's a very 15 specific reference in paragraph three and four and five and 16 six that talks about how the programming that's broadcast on 17 Channel 63 meets a very specific need that's identified in 18 almost every Programs Problems List of the station, i.e., drug 19 and alcohol abuse. Now, this is a gentleman who works in a 20 ministry to people who have drug and alcohol abuse problems 21 and he testifies that specifically, during the license term of 22 only a year, he can testify of his own personal knowledge that 23 certain people -- you know, enrolled in a drug and alcohol 24 treatment program because of, a causation, because of the 25 programming on Channel 63.

MR. SCHAUBLE: Your Honor, if I may respond to that?
Your Honor was faced with several of these types of claims in the Miami proceeding that because of programming somebody was encouraged to seek treatment for drug and alcohol addiction, and Your Honor rejected these claims in the Miami proceeding on the basis that they were subjective and untestable and this was not the sort of testimony the, the Commission looked at in terms of renewal expectancy.

MR. DUNNE: Your Honor --

MR. SCHAUBLE: Your, Your Honor pointed out that there's no evidence here that Mr. Bray had any personal involvement with the station's programming, that he, he was not a host or a guest on the program, and so he, he, he can't speak about the, the station's programming from a competent viewpoint in that regard.

MR. DUNNE: Your Honor, that is true, Your Honor. He did not -- was not involved in the station's programming. He was not interviewed or was not a host or guess of the -- of the station. However, he is a person who's intimately involved in dealing with a problem that I think everyone -- was ascertained and determined by the station, and I'm sure that everyone will agree, is a community problem. And he can testify of his own personal knowledge that he knew of a certain number of people who responded for programming, not by being encouraged to go into a program but actually got into a

1	program to help them overcome drug and alcohol abuse as a
2	result of this programming. That's not subjective. That's an
3	objective fact, to which he can testify, i.e., Channel 63
4	programming resulted in 10 at least 10 people coming and
5	getting help with respect to alcohol and drug abuse. And,
6	Your Honor, I think under any determination of community
7	needs, that's a community need, that people get help with drug
8	and alcohol abuse. This gentleman testifies very specifically
9	as to that objective fact, that there was a causation between
10	Channel 63 programming and these people getting into a program
11	and
12	JUDGE CHACHKIN: What program
13	MR. DUNNE: seeking help.
14	JUDGE CHACHKIN: was it of Channel 63 that the
15	causation claimed causation?
16	MR. DUNNE: In some instances, Your Honor, there's
17	none. In one instance there was a specific program, "The
18	Laverne Trip Show."
19	JUDGE CHACHKIN: Which is what? Does that deal with
20	drugs?
21	MR. DUNNE: I don't know, Your Honor.
22	JUDGE CHACHKIN: Well, then where's the causation
23	you're talking about?
24	MR. DUNNE: I Your Honor, the, the issue is
25	not

1	JUDGE CHACHKIN: You're saying because they had a
2	religious experience that
3	MR. DUNNE: Well, Your Honor, if it, if it was a
4	someone who is a Hare Krishna, okay, and they decided that
5	because of that they got into a drug and alcohol program, I'm
6	not arguing that the programming in and of itself is educa-
7	tional or informative or deals with drugs or anything else.
8	What I am arguing, because this gentleman testifies to that
9	fact, is because of that programming 10 people who had a need
10	got that need serviced and it's a need that is a community
11	need and recognize by community need in the community by
12	community leaders and everyone else.
13	JUDGE CHACHKIN: But
14	MR. DUNNE: And they
15	JUDGE CHACHKIN: I gather from what you're
16	telling me these programs did not deal with drug and alcohol
17	addiction. They dealt with a religious program and somehow
18	these people had a religious experience and that based
19	MR. DUNNE: Your Honor
20	JUDGE CHACHKIN: on that religious experience
21	they sought help?
22	MR. DUNNE: That, that's not that may not in fact
23	be the case, Your Honor.
24	JUDGE CHACHKIN: What is the facts? You're telling
25	me there was a causation. Where is the causation?

1 MR. DUNNE: Well, I -- I'm, I'm arguing, Your Honor, 2 that the causation -- there is a causation because these people said there's a causation in entering drug and alcohol 4 rehabilitation programming. Not all the programming that's broadcast on Trinity is "religious in nature." It may be 5 informational in nature. For example, there's a programming 6 described right below talking about Bill Aguilar of Set Free Ministries who, who described how one gets help. 8 If they have 9 a drug and alcohol -- they have a drug and alcohol program --10 and how there are different -- different ways that one can get 11 help and different methods that one who has that problem gets 12 help. 13 MR. SCHAUBLE: Your Honor, if I, if I may point out an additional problem with this -- I mean, how, how is -- I 14 15 mean, Mr. Bray -- you know, Mr. Bray is not the one who, who 16 received the help. I mean --17 JUDGE CHACHKIN: No, it's --MR. SCHAUBLE: -- presumably his, his only basis of 18 19 the knowledge of what W-- is these people told him that. 20 this is essentially, I think, an untestable claim, Your Honor, 21 and --22 MR. DUNNE: Your Honor, the fact that it's a "hear-23 say" claim does not make it incompetent evidence. In point of 24 fact, hearsay evidence is, is taken into, into administrative hearings all the time. The -- whether the idea or the -- the 25

issue is whether it's, you know, relevant, i.e., it is to the 1 2 issue of drug abuse, which is certainly a, a need in the 3 community and (b) whether it's reliable. And here you have a 4 gentleman who does this for a living, is reporting -- is not a Party witness. He's not paid by Trinity and he's not a --5 6 doesn't have an ax to grind in Trinity's behalf. 7 also corroborated by evidence of other people who are prepared to testify, for example, in Exhibit 16 and Exhibit 22 and Exhibit 25, that the programming that's broadcast in the 10 station has this impact on people, i.e., it serves their needs because they, watching this programming, get help with respect 11 12 to their alcohol and drug abuse. 13 JUDGE CHACHKIN: Well, I'm not going to get into subjective experiences and what ultimately happens to somebody 14 15 if they watch a program. I don't think that's the 16 Commission's role and nor am I aware of any cases where the Commission has ever considered the effect of a program on a 17 18 particular individual. MR. DUNNE: Your Honor, if I --19 20 JUDGE CHACHKIN: -- by psychoanalyze a person as to 21 why -- what many experiences in his life caused him to seek 22 help --23 MR. DUNNE: Your, Your Honor --24 JUDGE CHACHKIN: -- whether it was -- I don't think that's the role of the Commission, the judging whether you're 25

entitled to renewal expectancy, whether or not in one case a 2 person seeks help or doesn't seek help. What the Commission 3 looks at is what efforts the station makes to provide informa-4 tion to people if they wish to seek help, what information 5 they provide, what educational information they provide, the 6 fact that they have persons on the air who, who provide information as to what facilities are available in a particular 7 8 community, et cetera, et cetera, et cetera. But to get to the 9 point of whether a particular individual takes advantage of 10 that and does something I think is far beyond what the Commission looks at in, in making an objective evaluation 11 whether a station is entitled to a -- any kind of enhancement 12 13 credit. 14 MR. DUNNE: Your Honor, I believe in Metroplex there was, there was all sorts of, of testimony about the Metroplex 15 16 people doing specific things to help community organizations, 17 the Red Cross, so and so forth, and each of these organizations testified to the fact that because of the help of, of 18 19 the station that so many people were -- you know, got into our classes or took advantage of, of our particular -- or sought 20 21 help in this particular circumstance. And that's exactly the same kind of testimony we're presenting here. We've got a, 22 23 we've got a community need and because of the station's 24 programming these people were helped. If I can argue by analogy, many years ago 25 Okay.

1	there was a, a widely acclaimed and received many awards
2	program, it was usually broadcast on public stations, called
3	"Scared Straight." It dealt with juvenile delinquency and
4	juvenile crime. Everyone agrees that that's a problem. Your
5	Honor, if someone were to, were to come in and say: this
6	station was this was broadcast on our station and I saw an
7	impact in the community because so many children that were in
8	gangs came to me and sought counselling and tried to get out
9	of gangs, I would suspect that you would, would respect that
10	as evidence that the programming met a specific need, that
11	someone who could testify that the impact on these people, the
12	objective impact i.e., they were in gangs and came to me
13	and sought to get out of gangs that you would recognize as
14	a public good and indicia of the that the station's pro-
15	gramming served a public good, a public need. And we're doing
16	nothing more here, Your Honor. We're not talking about the
17	we're showing that a the programming broadcast on 63 has
18	certain objective impact, i.e., it helps people in this case,
19	10 people that this gentleman know of, seek help with respect
20	to what is everyone concedes is a public, a public good.
21	MR. SCHAUBLE: Your Honor, Your Honor
22	MR. DUNNE: That's all we're doing, Your Honor.
23	JUDGE CHACHKIN: You cannot
24	MR. DUNNE: And I think we're
25	JUDGE CHACHKIN: tell me, you cannot tell me

about a specific causation, that any particular program dealt 1 2 with the subject of drug or alcohol abuse, and as a result of 3 that particular program the individual -- as you pointed out, 4 the Red Cross, where there was specific need as you said, 5 brought announcements made about the Red Cross, and people 6 responded because they heard that particular program. 7 can't give me the causation here. 8 MR. DUNNE: In one instance we can, Your Honor. 9 guy that said he saw the Laverne -- "Reedeth (phonetic sp.) 10 and Laverne Trip" program. 11 MR. ZAUNER: Your Honor, the problem, as I see, with 12 the argument that's being presented is that we're -- what the 13 Commission is concerned with is the station's efforts to 14 ascertain the community's needs and present programming to 15 meet those needs. The Commission is not concerned with the 16 effectiveness of, of programs. I mean, it doesn't sit down 17 and say, well, this program -- a station gets more credit 18 because this program accomplished this than -- rather than 19 something else, or the lesser amount. And I, I think that 20 this exhibit goes to the effectiveness rather than to the 21 station's efforts to meet the needs and problems of the commu-22 nity of license and that therefore it is not relevant. 23 MR. SCHAUBLE: And, Your Honor, if I could just make 24 -- counsel brought up the Metroplex case. I believe what,

what happened in the Metroplex case, those were instances

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where the station went out and worked directly with -- in 2 community outreach with the various organizations, and that's 3 not what we have here. We have -- the record will -- there is no evidence of that sort of community involvement by the 4 5 station in this case. 6 MR. DUNNE: No. What we have here, Your Honor, is 7 evidence that there is a, a widespread community problem, i.e. 8 drugs, that the station's programming help -- is effective in 9 I mean, I, I never heard before, and someone argue, 10 that the fact that the station is effective in serving a 11 community need is irrelevant. It only has to make, you know, 12 make some sort of gesture to helping people with alcohol and 13 drug abuse. And the fact that it's effective in getting 14 people in the programs that service them is not relevant and 15 material and has nothing to do with the renewal expectancy? 16 mean, that --17 MR. SCHAUBLE: You -- Your Honor --18 MR. DUNNE: I believe that's Mr. Zauner's argument, 19 Your Honor. I don't believe I've overstated --20 JUDGE CHACHKIN: In the first place --21 MR. DUNNE: -- what you argued. 22 JUDGE CHACHKIN: -- you pointed out there's only one 23 instance where there's any attempt here to show any direct 24 causation, connection between a particular program and someone 25 seeking help. All the other instances you can't -- there's no

1 evidence there was direct causation. There were programs 2 carried and these individuals were moved by some programs or 3 what was said by somebody for help, but there's no showing that it dealt with drugs or alcohol or what it dealt with, 4 5 those programs that moved these people to seek help. 6 MR. DUNNE: That's, that's true, Your Honor. 7 only have the one instance --8 JUDGE CHACHKIN: And you don't even know, for 9 instance, whether there are other events in the person's life 10 which could have been a contributing factor. We don't know 11 that. We don't have the individuals here and what we have is 12 hearsay that these people someone saw these programs and they 13 sought help. 14 MR. DUNNE: We also --15 JUDGE CHACHKIN: Whether this was the impetus for 16 help or whether there were other factors in their life which

DUDGE CHACHKIN: Whether this was the impetus for help or whether there were other factors in their life which we don't know about. So, there's no direct causation here, which was indicated in the, in the examples you cited about the Red Cross. There was a direct causation. They heard there was a need for blood, perhaps. They heard there was a need for blood, and so then on the basis of the announcement there was a need for blood, or a statement, they went out and contributed their blood.

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MR. DUNNE: Your Honor, you could make the same, you could make the same argument with respect to anything that

people respond to. You could say that, you know, we don't 1 2 have evidence that that person didn't hear a sermon on Sunday 3 that talked about compassion and helping the community and 4 that was also a contributing factor to someone going down to the Red Cross and, and, and contributing blood. 5 The only objective fact we have is the fact that they did. 6 The only 7 objective fact we have here is that the drug and alcohol abuse is a problem, it's acknowledged to be a problem, and you have 8 9 people who say: because of this programming I sought help. 10 And that's an objective fact, Your Honor.

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JUDGE CHACHKIN: All right. Well, I'm not going to receive the, the exhibit. These arguments obviously will be considered, if it comes to that point. I'm not aware of any precedent which supports your position and I think it's been over -- stated over and over again, the way in which evidence is presented, its nature -- normally community leaders who testify or leaders of organizations who testify about they appeared on the station and the station provided some assistance in the form of announcement, something of that nature, or community leads have some direct knowledge of the station helping in some way. But here we have subjective opinions about the station programming and I'm not going to receive it. We do have -- we will have some objective evidence as to a station's program which you carried when we get to the programming proffer presented by the station employees.

1	that's the proper way to present evidence about particular
2	programming.
3	MR. DUNNE: Okay. Thank you, Your Honor.
4	JUDGE CHACHKIN: So, I will not receive Trinity
5	Exhibit 6.
6	(Whereupon, the document marked for
7	identification as Trinity Exhibit
8	No. 6 was rejected.)
9	JUDGE CHACHKIN: And now we get to Trinity
LO	Exhibit 8.
11	MR. SCHAUBLE: Your Honor, I object to this on the
12	basis of relevance and competence. We, again, we have another
L3	somebody here that was just a viewer of the station. No,
L 4	no personal involvement with the station. All we have here is
L <b>5</b>	general descriptions of programming and general opinions,
L6	viewer opinions which aren't relevant, talking about programs
L 7	which are already described the station by Mr. Jackson, a
L8	station employee, in Exhibit 32. And she renders an opinion
L9	concerning the violence or lack of violence or morality of a
20	program, which is not a relevant renewal expectancy criteria.
21	JUDGE CHACHKIN: Well, here she talks about programs
22	she watches with the children and things of that nature and
23	she likes this programming, but I don't think this is evidence
24	as to
25	MR. DUNNE: Your Honor

1 JUDGE CHACHKIN: -- admissible evidence as to the 2 station's programming. Yes, Mr. Dunne? 3 MR. DUNNE: Well, Your Honor, again I would reiter-4 ate that I think a mother is a competent witness as to the 5 programming that her children watches and that is a competent 6 witness as to her opinion, whether the programming that her 7 children watch on a specific time and a specific channel meet 8 her children's, you know, educational emotional cognitive 9 Two, she is also a minister who deals with children. 10 She's a, a children's evangelist dealing with children on a 11 general level and she testifies to the fact that in a general 12 level the, the programming of her children watch. In addition 13 to the -- that particular thing is, with respect to her gener-14 al ministry, that this programming is good with respect to 15 children. It fosters a positive -- won't run down the line, 16 Your Honor. And, thirdly, the programming she describes, 17 again, she's describing programming that is again described in 18 a general way in other exhibits, but she's describing specific 19 programs with specific factual circumstances in which a pro-20 gram that she saw on Channel 63 furthered her children's 21 social emotional needs and the children that she deals with in 22 certain very specific ways. And I think that's, you know, 23 relevant and competent evidence with respect to the children's 24 programming that she testifies to. 25 JUDGE CHACHKIN: All right. Trinity Exhibit 8 is